



**Mayer Engelsberg**  
**<mengelsberg@nklawllp.com>**

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## The New Yorker

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**Mayer Engelsberg <mengelsberg@nklawllp.com>**

Fri, Dec 10, 2021 at  
10:00 AM

To: "Bertoni, Fabio" <fabio\_bertoni@newyorker.com>

Hello Fabio,

Thank you for your email, well wishes, and attached letter.

The Fourth Circuit has adopted the following three-part balancing test:

“(1) [W]hether the information is relevant, (2) whether the information can be obtained by alternative means, and (3) whether there is a compelling interest in the information.” *LaRouche v. Nat'l Broad. Co.*, 780 F.2d 1134, 1139 (4th Cir. 1986). Our position is that the requested recordings are unavailable by any alternative means and their absence, in light of the unique circumstances of this case, will severely prejudice Individual Defendants’ ability to effectively cross-examine the witnesses and assess their credibility.

Under the Local Rules we are required to meet and confer prior to filing a motion to compel.

Are you available for a call today or early next week?

Thanks,

Mayer

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**Mayer Engelsberg**  
<[mengelsberg@nklawllp.com](mailto:mengelsberg@nklawllp.com)>

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## The New Yorker

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**Bowman, Chad R.**

<[BowmanChad@ballardspahr.com](mailto:BowmanChad@ballardspahr.com)>

Fri, Dec 10, 2021 at

4:46 PM

To: "mengelsberg@nklawllp.com" <[mengelsberg@nklawllp.com](mailto:mengelsberg@nklawllp.com)>

Cc: "Bertoni, Fabio" <[fabio\\_bertoni@newyorker.com](mailto:fabio_bertoni@newyorker.com)>, "Slaughter, Joseph"

<[Slaughterj@ballardspahr.com](mailto:Slaughterj@ballardspahr.com)>

Mayer,

This firm has been engaged to represent The New Yorker in this matter.  
Please direct future communications to me.

I would be happy to set up a call next week to discuss. Would Tuesday  
at either 10 a.m. or 4 p.m. work for you?

Thanks, and have a good weekend.

Chad

**Chad R. Bowman**  
(he/him/his)  
2021 Pro Bono Honor Roll – Silver

**Ballard Spahr**  
LLP

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----- Forwarded message -----

From: **Mayer Engelsberg** <[mengelsberg@nklawllp.com](mailto:mengelsberg@nklawllp.com)>  
Date: Fri, Dec 10, 2021 at 10:01 AM  
Subject: Re: The New Yorker  
To: Bertoni, Fabio <[fabio\\_bertoni@newyorker.com](mailto:fabio_bertoni@newyorker.com)>

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[Quoted text hidden]



**Mayer Engelsberg**  
**<mengelsberg@nklawllp.com>**

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## The New Yorker

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**Mayer Engelsberg <mengelsberg@nklawllp.com>**

Fri, Dec 17, 2021 at  
10:47 AM

To: "Bowman, Chad R." <BowmanChad@ballardspahr.com>

Cc: "Slaughter, Joseph" <Slaughterj@ballardspahr.com>, Avi Kamionski <akamionski@nklawllp.com>, Shneur Nathan <snathan@nklawllp.com>

Hello Chad,

I hope you are well.

During our call on Wednesday morning, you indicated that you would revisit the issue of a privilege log with the New Yorker and would follow up with us within the next day or so.

Will the New Yorker produce a privilege log?

Thanks,

Mayer

[Quoted text hidden]



**Mayer Engelsberg**  
**<mengelsberg@nklawllp.com>**

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## The New Yorker

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**Bowman, Chad R.** <BowmanChad@ballardspahr.com>

Fri, Dec 17, 2021 at  
2:48 PM

To: Mayer Engelsberg <mengelsberg@nklawllp.com>

Cc: "Slaughter, Joseph" <Slaughterj@ballardspahr.com>, Avi Kamionski <akamionski@nklawllp.com>, Shneur Nathan <snathan@nklawllp.com>

Mayer,

The New Yorker will stand on its objections.

Have a good weekend.

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